

FISCAL NOTE

SB 13

January 16, 2007

SUMMARY OF BILL: Creates a new Class D felony offense of “sexual servitude of a minor” if the victim is at least thirteen but less than eighteen years old and the defendant does not use force. Creates a new Class D felony sentenced within Range II offense of “sexual servitude of a minor” if the victim is at least thirteen but less than eighteen years old and the defendant uses force. Creates a new Class C felony offense of “sexual servitude of a minor” if the victim is less than thirteen years old and the defendant does not use force. Creates a new Class B felony offense of “sexual servitude of a minor” if the victim is less than thirteen years old and the defendant uses force.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$90,100 / Incarceration*

Assumptions:

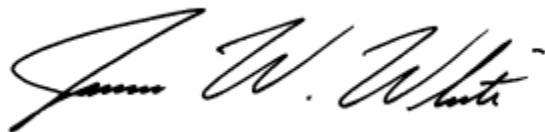
- The new offenses would have been prosecuted as statutory rape, solicitation of a minor, or a similar offense under current law. Although the bill does not preclude prosecution for an existing offense as well as the new offense, the existing offenses will be subsumed as lesser included offenses under the new offense.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years, yielding a projected compound population growth of 13.6% over the next ten years. No significant incarceration cost increase will occur due to population growth in this period.
- According to the Department of Correction (DOC), the average operating cost per inmate per day for calendar year 2007 is \$60.16.
- One offender will serve an additional 0.3 years (an increase from 0.3 years for a Class E felony offense to 0.6 years for a Class D felony offense). The cost per inmate at 0.3 years is \$6,592.33 (\$60.16 x 109.58 days). The cost per inmate at 0.6 years is \$13,184.06 (\$60.16 x 219.15). The additional cost from increasing the average sentence length from 0.3 years to 0.6 years is \$6,591.73 (\$13,184.06 - \$6,592.33).

- One offender will serve an additional 1.1 years (an increase from 0.3 years for a Class E felony offense to 1.4 years for a Class D felony offense sentenced within Range II). The cost per inmate at 0.3 years is \$6,592.33 (\$60.16 x 109.58 days). The cost per inmate at 1.4 years is \$30,762.82 (\$60.16 x 511.35 days). The additional cost from increasing the average sentence length from 0.3 years to 1.4 years is \$24,170.49.
- One offender will serve an additional 0.6 years (an increase from 0.3 years for a Class E felony offense to 0.9 for a Class C felony offense). The cost per inmate at 0.3 years is \$6,592.33 (\$60.16 x 109.58 days). The cost per inmate at 0.9 years is \$19,776.40 (\$60.16 x 328.73 days). The additional cost from increasing the average sentence length from 0.3 years to 0.9 years is \$13,184.07 (\$19,776.40 - \$6,592.33).
- One offender will serve an additional 2.1 years (an increase from 0.3 for a Class E felony to 2.4 years for a Class B felony offense). The cost per inmate at 0.3 years is \$6,592.33 (\$60.16 x 109.58 days). The cost per inmate at 2.4 years is \$52,736.26 (\$60.16 x 876.6 days). The additional cost from increasing the average sentence length from 0.3 years to 2.4 years is \$46,143.93 (\$52,736.26 - \$6,592.33).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director